

REMARKS

Status of the Claims

Claims 57, 70-71 and 88 are currently pending in this application upon entry of this paper. Relative to the previously pending claim set, claim 57 has been amended to more clearly recite the claimed invention. No new matter has been added by the amendments.

The Claims are Not Obvious

The Office Action rejects claims 57, 70, 71 and 88 as allegedly obvious in view of Favre *et al.* (U.S. Patent 5,324,821) ("Favre"). Applicants respectfully disagree with the Examiner and assert and incorporate by reference the previous arguments of record. Nonetheless, to expedite prosecution, Applicants have amended claim 57. Applicants assert that the claim amendments render moot the obviousness rejection. Specifically, Favre only discloses mitoxantrone, methotrexate, and their potential acylation derivatives. Favre does not specifically teach or suggest the specific fatty acids in combination with the anticancer drugs listed in the current claims. Since Favre does not teach each and every limitation of the claimed invention, the cited reference must necessarily fail to render obvious the currently claimed invention.

Moreover, there is nothing in the cited art or of record that would explain why one of skill in the art would select the specific fatty acids and anticancer drugs listed in the claims. Although Favre may allegedly disclose oleic acid derivatives of antineoplastic agents such as mitoxantrone and methotrexate, there is nothing of record that would rationally explain why one of skill would choose the specific fatty acids and the remaining anticancer drugs as encompassed by the current claims. Thus, Favre fails to guide one of skill in the art to choose the specifically claimed fatty acids and anticancer drugs. Moreover, the Office has not provided any rational or basis that one of skill in the art would have in choosing the specific fatty acids and anticancer drugs claimed. Accordingly, Applicants assert that the claimed invention would not be obvious in view of Favre. Applicants respectfully request reconsideration and withdrawal of the obviousness rejection.

CONCLUSIONS

Applicants have amended claim 57 to expedite prosecution and assert that Favre does not render obvious the currently pending claims. Applicants respectfully request reconsideration and withdrawal of all outstanding rejections.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any necessary fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17, which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a Constructive Petition for Extension of Time in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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